



west virginia department of environmental protection

Division of Water and Waste Management
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Austin Caperton, Cabinet Secretary
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July 30, 2018

Billie J. Suder and Jennifer L. Heymann
West Virginia American Water
1600 Pennsylvania Ave.
Charleston, WV 25302

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: WV/NPDES Permit No. WV0001279
Chemours Company – Washington Works

Dear Mr. Suder and Ms. Heymann:

This correspondence is in response to your comment letter dated May 17, 2018 regarding WV/NPDES Water Pollution Control Permit No. WV0001279 for the Chemours' Washington Works facility located in Washington, WV. Comments are summarized, followed by the agency's response.

Comment 1: There should be a condition in the permit that WVDEP may modify effluent limitations outside of the permit renewal cycle based on new information, if appropriate, to protect human health.

All WV/NPDES permits contain a "re-opener" clause found in Appendix A of the permit, specifically Parts I.4, I.8, and I.11 based on Chapter 22-11-12 of the Code of West Virginia. The permit can be reopened if new information regarding the protection human health for PFOA and/or HFPO-DA becomes available. Therefore, no additional requirements to the permit are necessary.

Comment 2: Appropriate limitations or monitoring and reporting requirements should be established for other perfluorinated substances that may be discharged.

The permittee did not submit any information or claim use or byproduct/residual generation and/or disposal of any other perfluorinated substances other than PFOA or HFPO-DA. As such, the agency did not review or act on these chemicals and therefore the disposal and discharge via any permitted outlet is not authorized by the permit. As such, the permittee

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must apply for a major permit modification to dispose and discharge any additional PFAS substances. A major permit modification requires a 30-day public comment period. Section C.34 has been added to the permit to clarify the requirements for the use, disposal, and/or degradation of additional PFAS substances.

Comment 3: We request consideration for a mechanism for downstream water utilities to seek reimbursement for operational costs for clean drinking water due to potential exceedances of the human health advisory levels during the three-year implementation schedule for PFOA / HFPO-DA.

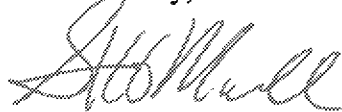
The WV/NPDES program does not provide a mechanism for utilities to seek reimbursement for any incurred costs. However, such reimbursement may possibly be sought through other legal means.

Comment 4: We request including a permit condition that also requires the facility to notify downstream water utilities, including the WVAW Huntington water system, of any situation described under Appendix A, IV.2.

Appendix A, IV.2 requires immediate reporting to the Agency's designated spill alert telephone number. The spill alert hotline is operated 24 hours a day by WVDEP Environmental Enforcement personnel which is tasked with coordinating responses to spills which may endanger human health or the environment including potential impact to drinking water utilities. The agency believes that this is the appropriate reporting procedure and that additional / direct reporting could potentially cause confusion in non-emergency situations. As such the agency believes the current requirements are appropriate and no revision to the permit has been made.

Again, the agency would like to thank you for your comments on draft WV/NPDES No. WV0001279. The Division of Water and Waste Management issued WV/NPDES Permit No. WV0001279 on July 30, 2018. Within 30 days of the issuance date of this permit, anyone who may be adversely affected or aggrieved by the permit terms and conditions may file a Notice of Appeal with the Environmental Quality Board, 601 57th Street SE, Charleston, West Virginia 25304. Telephone (304) 926-0445. Thank you for your interest in this application.

Sincerely,



Scott G. Mandirola
Director

SGM:jvl

cc: Env. Inspector Supervisor
EPA Region III



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MAY 17 2018
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May 17, 2018

Director, Division of Water and Waste Management, DEP
ATTN: Lori Devereux, Permitting Section
601 57th Street SE
Charleston, WV 25304-2345

**RE: Comments on Draft NPDES Water Pollution Control Permit No. WV0001279
The Chemours Company FC, LLC, Washington, WV**

Dear Ms. Devereux:

The purpose of this letter is to provide input on the draft West Virginia National Pollutant Discharge Elimination System (NPDES) Water Pollution Control Permit WV0001279 for The Chemours Company FC, LLC (Chemours) facility in Washington, Wood County, West Virginia.

West Virginia American Water (WVAW) operates several water systems, including the Huntington water system, which draws its water from the Ohio River to provide public drinking water service in the area. Our Huntington system serves approximately 39,000 direct customers plus the communities of Lavalette, W.Va. and Chesapeake, Ohio. These communities rely on the quality of the Ohio River for their everyday needs – homes, businesses, universities, hospitals, and more.

The Huntington water system is located approximately 115 miles downstream from the Chemours facility, and is the first of many water utilities downstream of this facility that use the Ohio River as a source of supply for drinking water. Water suppliers and the communities we serve rely on water pollution control permits to provide protections from discharges that could negatively impact water quality. We have an important interest and stake in the referenced permit.

Waste materials generated from the Chemours facility manufacturing process are discharged to the Ohio River and consequently have the potential to impact water quality of a major source of drinking water supply. Perfluorinated compounds, specifically perfluorooctanoic acid (PFOA) and HFPO-Dimer Acid (HPFO-DA), have been identified as substances that may lead to adverse human health effects with exposure over certain levels.

We recognize and support the use of available health advisory levels in establishing permitted effluent limitations for these compounds as described in the Permit No. WV0001279 fact sheet. We also support the finding that, although West Virginia does not presently have numeric criteria for PFOA and HFPO-DA, the West Virginia Department of Environmental Protection (WVDEP) has the authority to establish effluent limits that are protective of narrative criterion using risk assessment data.

We would like to offer the following comments for your consideration prior to finalizing Permit No. WV0001279:

1. The draft fact sheet acknowledges that human health studies are ongoing and that the associated health goals may change as new information becomes available. There should be a condition in the permit that WVDEP may modify effluent limitations outside the permit renewal cycle based on new information, if appropriate, to protect human health.
2. The draft permit limits discharges of PFOA and HFPO-DA, but does not address any other perfluorinated substances that may be discharged. A thorough analysis should be conducted to identify the presence of other compounds that may have potential adverse health impacts and circulated for public comment. Appropriate limitations or monitoring and reporting requirements should be established accordingly.
3. The three-year (36 month) implementation schedule for meeting the water quality based effluent limits (WQBELs) present a concern that discharges may result in downstream concentrations that exceed health advisory levels. The facility compliance history indicates it has experienced/may experience issues meeting criteria with the existing technology. We acknowledge that it will take time to develop and implement technology to meet the final effluent limitations. However, in the meantime, water utilities may bear additional operational costs for monitoring and treatment that result in increased cost to the customer for clean drinking water. We request consideration for a mechanism for downstream water utilities to seek reimbursement for these costs from Chemours.
4. Appendix A, Section IV of the draft permit requires immediate reporting to WVDEP in the event of a spill and/or discharge exceeding any maximum daily discharge limitation. We request including a permit condition that also requires the facility to immediately notify downstream water utilities, including the WVAW Huntington water system, of any situation described under Appendix A, IV.2. Alternatively, Chemours could contact the Ohio River Valley Water Sanitation Commission (ORSANCO) to provide notification to utilities.

Finally, we would like to reinforce the importance of drinking water protections in consideration of this permit and urge WVDEP to consult with the West Virginia Division of Health and Human Resources (DHHR) on the issues identified above prior to issuing the final version. We appreciate the Department's efforts to protect the environment and human health. Please contact us if you have any questions or concerns.

Sincerely,



Billie J. Suder
Water Quality & Environmental Compliance Manager



Jennifer L. Heymann
Source Water Protection Program Manager